IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NO. 2491 OF 2006

Office Notes, Office Memoranda of Coram appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's Orders

Shri R.H. Rawlani, Advocate for the applicant.
Shri C.N. Adgokar, APP for the respondent.

CORAM : B.R. GAVAI, J.
10TH AUGUST, 2006

This is an application for grant of bail. The applicant has been arrested in connection with the Crime No. 77/2006 for the offence punishable under Section 302 read with Section 34 of the Indian Penal Code.

Heard the learned Counsel for the parties.

The prosecution case is that the dead body of one Santosh was found on 25.02.2006 near one Hanuman temple. It is the prosecution case that on prior night, the deceased was seen last together along with the accused including the present applicant. On the basis of last seen theory, the applicant came to be arrested on 27.02.2006.

Shri C.N. Adgokar, the learned APP vehemently opposes the application on the ground that

there is strong circumstance of last seen together against the applicant.

The investigation is complete. The charge sheet is filed. The only evidence against the applicant is the circumstantial evidence in the nature of last seen together. There is no recovery of any weapon at the instance of the applicant.

In that view of the matter, I am inclined to allow the application. The application is allowed.

(1) The applicant is directed to be released on bail in connection with Crime No. 77 of 2006 registered by the Police Station, Kalamna, Nagpur on furnishing his bail bond of Rs.25,000/- (rupees twenty-five thousand only) with one or more sureties in the like amount.

(2) The applicant shall report to the Police Station, Kalamna, Nagpur on 1st Sunday of every month at 11:00 a.m.

(3) The applicant shall cooperate with the investigation. The applicant shall not in any way make an attempt to influence the witness or tamper with the evidence.

JUDGE

*rrg.